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MONTANA LEGISLATIVE HISTORY

Chapter 543 19 95

Bill H _____ S 377 Original bill & history ___C

H. Committee on Local Government		S. Committee on Local Government	
Hearing Date(s) Mar 21	✓ C	Hearing Date(s) Feb 16	✓ C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Mar 21	✓ C	Feb 16	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SB 377 INTRODUCED BY WELDON

IMPLEMENT RECOMMENDATION OF GOVERNOR'S TASK FORCE TO RENEW MONTANA GOVERNMENT BY REQUIRING COUNTIES TO ESTABLISH CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, AND COMMISSIONS BY RESOLUTION

2/13	INTRODUCED		
2/13	FIRST READING		
2/13	REFERRED TO LOCAL GOVERNMENT		
2/16	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED		
2/17	2ND READING PASSED	50	0
2/18	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/20	FIRST READING		
2/20	REFERRED TO LOCAL GOVERNMENT		
3/21	HEARING		
4/12	TAKEN FROM COMMITTEE AND AND PLACED ON 2ND READING	73	26
4/13	2ND READING CONCURRED	99	0
4/13	3RD READING CONCURRED	97	1
	RETURNED TO SENATE		
4/18	SIGNED BY PRESIDENT		
4/18	SIGNED BY SPEAKER		
4/18	TRANSMITTED TO GOVERNOR		
4/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 543		
	EFFECTIVE DATE: 10/01/96		

SB 378 INTRODUCED BY SWYSGOOD

ELIMINATE STATE REGULATION FOR CERTAIN MOTOR CARRIERS

2/11	INTRODUCED		
2/11	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/11	FIRST READING		
2/13	FISCAL NOTE REQUESTED		
2/14	HEARING		
2/17	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	50	0
2/21	3RD READING PASSED	49	1
	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/15	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/24	2ND READING CONCURRED	87	11
3/25	3RD READING CONCURRED	82	13
	RETURNED TO SENATE WITH AMENDMENTS		
3/30	2ND READING AMENDMENTS CONCURRED	50	0
3/31	3RD READING AMENDMENTS CONCURRED	49	0
4/04	SIGNED BY PRESIDENT		
4/05	SIGNED BY SPEAKER		
4/06	TRANSMITTED TO GOVERNOR		
4/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 358		
	EFFECTIVE DATE: 07/01/95		

case in South Carolina where a man owned two lots for development and the city zoned the area for open space only, the Supreme Court ruled it as a takings. A case in Oregon followed suit with the South Carolina ruling. SB 399 would take that a step further but the Supreme Court was showing sensitivity to property owners.

Closing by Sponsor:

SEN. BURNETT, stated the board of county commissioners in Stillwater County wanted to set up zoning up to the forest boundary and the people of that county did not object but only wanted to have a say in the plan.

{Tape: 1; Side: B; Approx. Counter: ; Comments: .}

HEARING ON SB 377

Opening Statement by Sponsor:

SEN. JEFF WELDON, SD 35, Arlee, presented SB 377 on behalf of the Governor's Task Force to Renew Montana Government. SB 377 dealt with boards and commissions and would place at the local level rather than the state level, the authority and responsibility for structuring boards and commissions listed in section two of the bill. SB 377 would allow counties to have the option to continue operating boards and commissions as they are or change the structure and workings of the boards and commissions. If the county should decide to change the boards they must do so within the constraints listed in section 1. There were several benefits to SB 377 in that boards and commissions should be a local issue and when state statutes dictate requirements for boards and commissions, they impose a one size fits all approach in managing local issues. He said the boards and commissions picked were those where the state would have no interest. The boards and commissions included did not have elected membership, taxing authority, or judicial authority. Section three dealt with how to fill vacancies when there was no interest by anyone to sit on the board. SB 377 basically transferred authority of how business was conducted on boards and commissions.

Proponents' Testimony:

David Ashley, Deputy Director, Department of Administration, stated he worked on the Governor's Task Force and submitted the recommendations of the Task Force to the committee **(EXHIBIT 5)**. He urged the committee's support for SB 377.

Gordon Morris, MACO, stated they support SB 377.

Blake Wordal, Lewis and Clark County Commissioner, stated they support SB 377 for the reasons stated.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. HARDING asked if SB 377 would have any affect on local government reviews? **Mr. Morris** responded that SB 377 would specifically apply to the traditional three member county commission. The study review process resulting in the charter would take them out of all the sections other than where they specifically chose to have certain provisions apply within the framework of their charter.

SEN. ECK asked **Mr. Morris** if he could assure the committee that it would be ok to repeal all those sections of law? **Mr. Morris** assured **SEN. ECK** that all of the sections repealed where ok.

Closing by Sponsor:

SEN. WELDON said if the committee believed in the premise that local government and their governing boards should have the flexibility to govern as they see fit then SB 377 should be passed.

HEARING ON SB 299

Opening Statement by Sponsor:

SEN. TOM BECK, SD 28, Deer Lodge, presented SB 299 which was an act providing for a procedure for terminating a local water quality district or joint local water quality districts. The statutes allowed for the creation of a water quality district but did not allow for the district to be terminated. SB 299 would create new sections giving an explanation that in the event people would want to get rid of a water quality district, they would have to follow a certain procedure.

Proponents' Testimony:

Vivian Drake, Supervisor Lewis & Clark County Water Quality Protection District, stated they support SB 299 as the current law did not address termination of local districts. They did have two concerns with the bill. There are currently provisions in Montana Law allowing petitions to repeal districts be presented to the county commission and the requirement of a special election. They would like the language to show the election could be held at the next regular election date.

Blake Wordal, Lewis and Clark County Commissioner, stated he felt there should be legislation on the books to be able to terminate a water quality district. He also mentioned that the next regular election should be put in the bill so there would be no unnecessary cost.

SEN. ECK stated that interim zoning has been used successfully and SB 323 would not allow for that to happen in some cases. SEN. BECK responded that he was not getting rid of emergency zoning provisions only putting some parameters in that would define a general master plan separate from an emergency zoning situation.

SEN. GAGE stated he liked the stated review and permitting section of the bill even though people locally may not like what could be happening (for example a new mine), but it could benefit the whole state.

SEN. ECK asked why there was a retroactive effective date and if it had anything to do with the mine Jefferson County zoned out? SEN. BECK said that was not the reason and the reason was at the time the bill was drafted it appeared Lewis & Clark County was going to go ahead and do an interim zoning. SEN. BECK noted that the people of Jefferson County voted on their zoning. Mr. Kogley said the mine was not adopted under emergency zoning plans but was under permanent zoning. They went through the whole hearing process but did not get voted on by the people.

SEN. ECK asked if there were any particular zoning actions that would be made ineffective by the retroactive date? SEN. BECK replied that to his knowledge there would be no effect and that Lewis & Clark County put their zoning on hold waiting for the outcome of SB 323.

Closing by Sponsor:

SEN. BECK closed.

EXECUTIVE ACTION ON SB 377

Motion: SEN. WELDON MOVED SB 377 DO PASS.

Discussion:

SEN. WELDON said SB 377 was an effort to manifest the local control song being heard continually.

SEN. ECK said SB 377 could prevent close to half a dozen bills every year.

Vote: THE MOTION CARRIED UNANIMOUSLY.

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 2-16-95

NAME	PRESENT	ABSENT	EXCUSED
DOROTHY ECK	✓		
SHARON ESTRADA	✓		
DELWYN GAGE	✓		
DON HARGROVE	✓		
J. D. LYNCH	✓		
JEFF WELDON	✓		
ETHEL HARDING, VICE CHAIRMAN	✓		
TOM BECK, CHAIRMAN	✓		

SEN:1995
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SENATE STANDING COMMITTEE REPORT

February 16, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 377 (first reading copy -- white), respectfully report that SB 377 do pass.

Signed: Sen. Tom Beck
Senator Tom Beck, Chair

Amd. Coord.
Sec. of Senate

401534SC.SRF

EXHIBIT 5
DATE 2-16-95
SB 377

The Governor's Task Force
to
Renew Montana Government

PREPARING *for a* NEW CENTURY

Final Recommendations ▪ October 1994

EXHIBIT NO. 5
DATE 2-11-95
BILL NO. SB 377

Discussion ▪
The ability to impose impact fees allows a local government to shift a portion of the costs of providing capital to serve new growth areas from the general tax base to the new development generating the demand for the facilitates.

As of June, 1992, 20 states had enabling legislation for the imposition of impact fees and many more states are expected to do so. The statutes of these 20 states provide ample guidance for the enactment of such a statute in Montana. In addition, a substantial body of case law has been developed that provides guidance for drafting enabling legislation for impact fees that would assure the local government that any impact fee imposed would meet state and federal constitutional requirements.

Arguably, home rule governments in Montana can enact impact fees without enabling legislation, although under existing Supreme Court cases, it is not possible to conclude that such arguments would be upheld. It may also be argued that non-home rule charter municipalities can impose such fees absent statutory authorization, as has been argued and upheld in some other states; but again it is impossible to predict the viability of that argument under existing case law in Montana. In any event, the enactment of enabling legislation could preclude a challenge to the imposition of fees on grounds of lack of authority. Such legislation, which has met constitutional challenge in other states, could provide a framework for the imposition of such fees. An excellent overview of local impact fees is found in the Summer 1993 issue of *The Urban Lawyer* (Volume 25, Number 3).

BOARDS AND COMMISSIONS

The Task Force recommends a revision of laws governing city and county administrative boards and commissions.

Background ▪
State statute specifies numerous appointed advisory or administrative boards for city and county government. County commissioners, for example, are responsible for appointing members to weed, mosquito control, fair, television and historical preservation boards or councils. Gallatin County has 44 separate advisory bodies with more than 200 public members.

While the rationale behind these advisory bodies may be logical, the cumulative effect is a cumbersome web of administrative inefficiencies.

Filling board vacancies is time consuming and costly. Statutes often specify the number of members, qualifications, terms of office and meeting and residency requirements of board members. Filling vacancies entails a recruitment process that takes considerable time and expense. Sometimes, county commissioners are unable to find citizens willing to serve. Staffing the boards and monitoring when terms expire is time consuming.

Because these boards are created by statute, a degree of inflexibility is built into the structure of local government. Local needs may not be well served by a "one size fits all" statute.

Sometimes board members unknowingly create liability for their governments through their actions or statements.

Objectives ▪
1. Modify state statutory requirements for appointed advisory or administrative boards and councils, giving locally elected officials the flexibility to decide which are necessary and the

power to create them by ordinance or resolution.

2. Allow county commissioners to assume the powers of special service district boards instead of creating such boards but, at the same time, grandfather existing service district boards to avoid issues of dissolving current boards.

3. Reduce the administrative complexity and logistical difficulties of filling board vacancies.

4. Empower locally elected officials to create and utilize advisory bodies as locally determined needs dictate.

5. Evaluate boards and commissions individually with input from county and city officials. Some boards, such as city/county planning and health boards have extensive, independent statutory functions and may not be appropriate for the same changes as service district, administrative and advisory boards.

GENERAL STATUTORY CLEAN-UP

The Task Force recommends rewriting and condensing Title 7 (the statutes governing local government) to reduce its sheer volume, eliminate duplication and to standardize and simplify notice procedures. We believe the Local Government Center at Montana State University should undertake this general statutory clean-up.

Background ■
Any 1,100-page document developed over a 100-year period is bound to have duplicative, conflicting and outdated material. Such is the case with Title 7. Title 7 should be an efficient tool for local government officials' use in administering local government. Instead, it is cumbersome and confusing and ready for an overhaul.

Title 7 is so voluminous that its usability is cumbersome at best. Interpretation of laws is often difficult because of conflicting statutes leading to numerous requests for legal opinions.

Procedures, which could be spelled out once for both cities and counties, e.g., dog control, are instead delineated for each. Specific subject areas are delineated in overlapping statutes or in entirely different areas of statute, which results in inconsistencies and outright contradictions. Public notice procedures are needlessly complex, detailed and not uniform, with the result that procedural errors are almost guaranteed to occur.

Detailed state control has been extended through statute into areas best left to local decision makers. One result is that needed change is slowed due to necessary legislative involvement. Another result is the incredible amount of time spent changing relatively insignificant statutes; hence the charge that the state is "micro-managing" local government.

STATE MANDATES

Local governments should recognize their responsibility to demand from the legislature a means of funding state mandates, in accordance with the state laws mentioned above. The Drake Amendment language is clear. If necessary, local governments should enforce it through the courts.

DATE February 16, 1995

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 399 SB 299

SB 323 SB 377

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
Al Kingston	Self	SB 323 299	X X	
Joe Cosgriff	Self	SB 323 SB 299	✓	
Cheryl J. Beatty	Anaconda-Deer Lodge Cnty	399		X
Blake J. Wordal	Lewis & Clark Co	SB 299	✓	
		SB 323	✓	
		SB 377 SB 399	✓	✓
Don Nanna	Self	SB 323 SB 309	✓	✓
Byron Stahly	Helena Property owners Assoc	SB 323	✓	
Fred L. Fons	" " " "	SB 323	✓	
Scott McHugh	" " " "	SB 323	✓	
Vivian Drake	Lewis + Clark Cty	SB 299	✓	
Mark Johnson	self - landowner	SB 323	✓	
D. D. Redmond	"	"	-	
Bill Short	" "	"	✓	
Dale Thalheimer	Mothers	SB 296	✓	
John Shontz	MT Assoc REALTORS	299 323	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

_____

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Mike Griffith	E & C County Comm	323	←	
Jim Richard	MT Assn Planners	399 323		X X
Todd Damrow	DHES	296		
Paul Johnson	Montanans for a Healthy Future	399		X
Chris Racicot	MT Building Industry Assoc	323	X	
Gloria Palachuk	Richland Develop	377	X	
Dave Ashley	Dog Admin.	377	X	
Leonard Wortman	Self. Pe	399		X
Larry Brown	Ag Pres. Assoc	SB 299 SB 323	X	
Mike Murphy	Mt. Water Res. Assoc	SB 299 SB 323	X	
Chris Imhoff	League of Women Voters of Montana	399		X
ANDY SKINNER	SELF	299 323		X
Larry Gallagher.	City of Kalispell	399		X
Dave Cogley	~~Helena~~ SELF	323	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

_____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Melissa Case	MATA	399		✓
Jim Nugent	Missoula City Attorney	399		X
Kathy Macefield	City of Helena	399		X
Kathy Macefield	City of Helena	323 with amendments	X	
Mitri Schnabel	MDHES - Exec. Action	296		
Gordon Morris	MACo	399		X
J.V. Bennett	Mont PIRG	399		X
"	"	323		X
Ted Lange	NPRC	399		X
"	"	323		X
Janet Ellis	MT Audubon	399 323		X X
Anne Hedges	MEIC	399 323		X X
Gordon Morris	MACo.	377	X	
Gordon Morris	MACo	299 323		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

HEARING ON HB 604

Opening Statement by Sponsor:

REP. WILLIAM BOHARSKI, HD 79, Kalispell, presented HB 604 which is a general revision of local government law regarding boards, notices, and annexation, and would allow the city council and the county commissioners to make decisions. **REP. BOHARSKI** said this bill will remove boards and put control back with the local officials. When a board does something that voters and commissioners disagree with, they should have the authority to change as they see fit.

REP. BOHARSKI explained the bill and cited some examples where he has gone to the county commissioners with concerns and the response he received was there was nothing they could do about it. The problem is they do not have the authority to remove a person from the board because they serve a three year term. It seems appropriate to eliminate the boards in statute.

REP. BOHARSKI referred to the bill and said all boards are included, not just certain ones. He said dealing with the question of impact fees has also been addressed in HB 604 and other diverse complaints he has received have also been put in this bill.

Closing by Sponsor:

REP. BOHARSKI closed saying a portion of **SEN. JEFF WELDON'S** bill is similarly incorporated into HB 604. Questions regarding HB 604 will be done in Executive Session.

VICE CHAIRMAN HERRON announced that HB 604 and SB 377 are being combined. Proponents and Opponents will speak on both of them.

HEARING ON SB 377

Opening Statement by Sponsor:

SEN. JEFF WELDON, SD 35, Missoula, said he was not familiar with HB 604. He introduced SB 377 which would allow local government to set certain boards' duties and membership by resolution. This bill is brought on behalf of the Governor's Task Force to Renew State Government. This bill places at the local level, rather than at the state level, the authority and responsibility for structuring certain boards and commissions and those that are listed in Section 2, page 3 of the bill.

SEN. WELDON explained the structure of the bill.

Proponents' Testimony:

Gordon Morris, Director, Montana Association of Counties (MACO), expressed his appreciation to **REP. BOHARSKI** and **SEN. WELDON** for bringing the two bills to be considered. **Mr. Morris** said it is his intent to help differentiate between the two bills. He then explained in detail what each bill takes into account. **Mr. Morris** urged the committee to take Sections 4 and 5 out of the bill for purposes of county government and for municipality. **Mr. Morris** went on record in opposition to the change in 7-1-2103 and 7-1-4123.

Mr. Morris said the distinction between SB 377 and HB 604 in the treatment of boards is that three additional boards are added to HB 604: library, health and planning; otherwise, they are the same. **Mr. Morris** said he would technically recommend either or both bills and in particular with HB 604 he would recommend technically with consideration for what he called "attention relative to the fee issue set forth in Sections 4 and 5."

{Tape: 1; Side: A; Approx. Counter: 24.3}

Laurie Ekanger, Governor's Office, said SB 377 is a recommendation of the Governor's task force and is endorsed by the governor. **Ms. Ekanger** agreed with previous testimony and asked for the committee's favorable support.

Blake Wordal, Lewis & Clark County Commissioner, stated his support of SB 377 and said it offers options to deal with boards when they cannot find people who are interested in serving on them. **Mr. Wordal** said he is not as familiar with HB 604 but endorsed the areas of HB 604 that are contained in SB 377.

Bob Carlson, Silver Bow County Weed Supervisor, spoke in support of SB 377 with one exception on the issue of Yellowstone County and the Weed Control Board. He referred to page 9, line 22 and explained his concerns and asked that an amendment be added.

REP. PEGGY ARNOTT, HD 20, Billings, appeared on behalf of the **State Weed Supervisors, Yellowstone County Weed Control,** and stood as a proponent to the amendment offered and explained her rationale.

{Tape: 1; Side: A; Approx. Counter: 31.9

Howard Gipe, Flathead County Commissioner, said he worked with **REP. BOHARSKI** on HB 604 and supports it as well as SB 377. **Mr. Gipe** also agreed with the weed control amendment.

Gloria Paladichuck, member of the Governor's Task Force to Renew Montana Government, spoke in support of SB 377 and urged a do pass recommendation. **Ms. Paladichuck** said she was not familiar with HB 604.

Chris Hindoien, Supervisor of the Teton County Weed District, Choteau, spoke in support of adding on page 9, line 22, language saying, "a majority of the board members must be of rural agricultural land owners." **Mr. Hindoien** said they have people lining up to be on their board on his county.

Chris Imhoff, Montana League of Women Voters, spoke in favor of HB 604 and referred to and read Section 1, line 14, and said if a person is a resident of the county and a voter they should be able to be appointed to other commissions and boards.

Bill Rapold, Chairman, Board of Pondera County Commissioners, spoke in support of both bills and the amendments offered by the weed control supervisors.

Opponents' Testimony:

Jim Freeman, Weed Supervisor, Cascade County Weed and Mosquito Abatement District; President, Montana Mosquito Control Association and speaking on behalf of the **Triangle Area Weed Supervisors,** said the general reasoning behind this bill makes a lot of sense, and for the most part they agree with the changes being proposed. **Mr. Freeman** submitted his written testimony on the issues that need to be addressed and said without these changes they must remain in opposition to SB 377. **EXHIBIT 1**

(Tape: 1; Side: A; Approx. Counter: 41.1;)

Alec Hanson said he was not totally an opponent and would limit his comments to HB 604. He stated his concerns with the intent to impact referring to page 6, lines 5, 6 and 7. He said he was encouraged by the sponsor's indication that he wants to work closely with the committee and come up with a solution that will work for everybody. **Mr. Hanson** stated that the general portion of the bill that allows to regulate, establish and operate boards and commissions in accordance with local ordinances and resolutions is very positive.

Ed Kirby, Montana Manager, United Right of Way; past weed supervisor for Meagher and Yellowstone Counties, and also a **rancher, Cascade County,** stated his reasons for opposing changes in the bill that deals with the weed and mosquito districts and believes they should remain the same.

Ann Rauser, Weed Supervisor, Broad Water County, concurred with testimony stated by **Mr. Freeman** objecting to HB 604 and SB 377.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. SHIELL ANDERSON asked SEN. WELDON if he had reviewed the amendments presented by **Mr. Freeman.** SEN. WELDON responded no,

and said the people involved in drafting this bill would like to be involved in any work the committee does to make the two bills match.

REP. DAVID EWER referred to HB 377, page 9, line 25 and asked the rational on why the words "the board members or public officers" are being stricken.

Mr. Morris explained that language is still included in Section 1 of the bill stating "for all board appointees."

{Tape: 1; Side: A; Approx. Counter: 50.4; Comments: .}

REP. LINDA MCCULLOCH questioned **Mr. Morris** on his references made to **REP. BOHARSKI's** bill dealing with the library issues. **Mr. Morris** referred to page 42, and 43 and explained that section of the bill and said they are putting this under the same board considerations as **SEN. WELDON'S** bill. He said his point about the library board was an antidote from his experience with the censorship issues. **Mr. Morris** expressed his surprise that the State Library or the Library Association was not represented at this meeting.

REP. TONI HAGENER asked what the suggestion or alternative would be to the "resident freeholder" words. **Mr. Morris** said he has discussed this issue with **Ms. Imhoff** and has compared the bills referring to the same language "must be a resident freeholder" on page 3 in both bills. **Mr. Morris** said he is in support of this.

REP. HAGENER asked if they must be a resident of the county or district. **Mr. Morris** responded yes.

Closing by Sponsor:

The sponsor made his comments on the differences between HB 604 and SB 377 and closed.

VICE CHAIRMAN HERRON suggested that **Mr. Morris** and **Mr. Hanson** work together on the bill so it will be agreeable to everyone.

HEARING ON SB 41

Opening Statement by Sponsor:

SEN. WELDON, SD 35, MISSOULA, presented SB 41 which is an act to provide a method of assessment to study costs for county water or sewer districts. This bill was brought specifically on behalf of the East Missoula Sewer District which is a new district. They are beginning plans to construct a sewage treatment system for the area. The sewer district wants to fund a feasibility and engineering study to determine how best to proceed with their plans and they would like to fund the study through a tax on each septic hook up. **SEN. WELDON** explained what current law states

HOUSE OF REPRESENTATIVES

Local Government

ROLL CALL DATE 3-21-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bill Boharski, Chairman	✓		
Rep. Jack Herron, Vice Chairman, Majority	✓		
Rep. David Ewer, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Shiell Anderson	✓		
Rep. Ellen Bergman	✓		
Rep. John Bohlinger			✓
Rep. Matt Brainard	✓		
Rep. Matt Denny	✓		
Rep. Rose Forbes	✓		
Rep. Toni Hagener	✓		
Rep. Bob Keenan	✓		
Rep. Linda McCulloch	✓		
Rep. Jeanette McKee	✓		
Rep. Norm Mills	✓		
Rep. Debbie Shea	✓		
Rep. Joe Tropila	✓		
Rep. Diana Wyatt	✓		

EXHIBIT 1
DATE 3-21-95
SB 377

BEFORE
HOUSE LOCAL GOVERNMENT COMMITTEE
3/21/95

OPPOSITION TO S.B. 377 AS INTRODUCED

The general reasoning behind this bill would seem to make a lot of sense, and for the most part we can agree with the changes being proposed.

There are, however, some important issues that need to be addressed. Without the following changes, we must remain in opposition to S.B. 377.

Under NEW SECTION 3 ~~at the bottom of page 4~~, which allows County Commissioners to assume the duties of boards if there aren't enough persons available, we believe that this should, at least, be restricted to smaller class counties which may have a problem with available qualified persons. It should not be allowable in larger class counties where a reduction in board membership could more readily be viewed as a serious reduction in citizen representation and participation in local government.

Under Section 17 ~~on page 11 at lines 11 and 12~~, the sentence "A majority of the board members must be rural agricultural land owners." has been removed from current requirements. We feel that this requirement is very important in the membership of a district weed board. We feel strongly that noxious weeds are everybody's problem, that noxious weeds are costing all of the citizens of Montana, that noxious weeds are spread by all of us, and that we all have a responsibility to provide for their control. We feel, however, that a majority of the initial locations in our actions against noxious weeds, and the primary experienced agents at the front of this battle are from rural areas. It is for these reasons that we feel it very important to maintain a majority of the district weed board as rural agricultural land owners.

Under Section 21 ~~on page 14 at line 6~~, the requirement that a member of a district mosquito control board be a resident of the district has been removed. We feel that it is very important that this requirement be retained. Mosquito districts do not encompass entire counties. Many of the districts in Montana are only surrounding local communities or towns. Members of a board to administer a mosquito control program need to be from the district where the program is operating, not from the county at large.

As introduced, we cannot support the bill. With these changes to preserve important components and representation present in current law, we feel that this could be a step to simplifying government, and could then support the issue.

James S. Freeman, Weed supervisor, Cascade County Weed and Mosquito Management District
President, Montana Mosquito and Vector Control Association
Triangle Area Weed Supervisors

James S. Freeman

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Trail Movement SUB-COMMITTEE DATE 3-21-23

BILL NO. SB 377 SPONSOR(S) Sen Jeff Welborn

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dave Ashley	Dept of Admin	✓	
Blake Wordal	Lewis & Clark Co	✓	
JAMES S. FREEMAN	MONTANA NOSBOUEPR CONT. TRIANGLE WEED SUPERVISORS CASCADE CO. WEED DIST.		X
ANN E. RAUSER	BROADWATER CO. WEED		✓
Ed KIRBY	UNITED RIGHT OF WAY		X
John Bloomquist			
Gordon Morris	MHC	✓	
Chris Imhoff	MT League of Women Voters	✓	
Bob Carlson	Silver Bow Weed Dist.	✓	
Laurie Ekanger	Governor's Office	✓	
CHRIS HINDOIEN	TETON CO. WEED	✓	
Howard Gipe	Flathead Co	✓	
Gloria Palachuk	Richland Development	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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